



HOUSE OF LORDS

Procedure Committee

2nd Report of Session 2016–17

Revision of Companion to the Standing Orders

Minor amendments to Private Business Standing Orders

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Procedure Committee

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Second Report

REVISION OF THE COMPANION TO THE STANDING ORDERS

1. We have considered a number of amendments to update the *Companion to the Standing Orders and Guide to Proceedings of the House of Lords*. These amendments reflect changes agreed by the House since the last edition was published in 2015, clarify drafting and remove obsolete text. A 2017 edition of the *Companion* will be published shortly.

MINOR REVISIONS TO THE PRIVATE BUSINESS STANDING ORDERS

2. We propose below a number of minor amendments to the Private Business Standing Orders. These amendments are intended to make improvements to the workability of the Private Business Standing Orders following the passage through Parliament of the High Speed Rail (London–West Midlands) Bill. If the House agrees to these amendments, it is expected that the House of Commons will be invited to agree amendments to their Private Business Standing Orders which would have a similar effect.

*[new words in **bold**; deleted words ~~struck through~~]*

Amendments to Standing Orders 1A, 32, 33, 42 and 43

3. These amendments are required because, following reorganisation, the Environment Agency no longer has any regional offices and, as a result, compliance with Standing Orders 32, 33, 42 and 43 (which mention “the principal regional office of the Environment Agency”) is impossible. This difficulty has been addressed by removing references to the Environment Agency from the body of Standing Orders 32, 33, 42 and 43 and placing the Agency in the Standing Order 1A “list” which specifies where certain documents must be deposited in accordance with the Standing Orders.

1A. Deposit of documents etc. at offices of government departments and public bodies

(1) Any reference in a provision of these orders to a document, or to a copy or copies of a document, being deposited **or delivered** in accordance with, **or by reference to**, this order is a reference to the document, or to a copy or copies of the document, being deposited **or delivered**—

- (a) at the offices of such government departments and public bodies as may be specified in the list, and
- (b) if the context so admits, in such quantities as may be so specified.

(2) In paragraph (1) above—

“document” includes any bill, plan, section, book of reference, ordnance map, environmental or other statement or estimate;

“the list” means the list which, for the purposes of this order, is compiled and maintained by the Private Bill Office under the direction of the Chairman of Committees.

(3) The provisions of these orders which contain such references as are mentioned in paragraph (1) above are—

- (a) Standing Order 27(8),
- (b) Standing Order 27A(1),
- (c) Standing Order 29,
- (d) Standing Order 30,
- (e) Standing Order 30A(1),

- (f) Standing Order 31(1),
- (g) Standing Order 32(1),
- (h) Standing Order 33,**
- (hi) Standing Order 34,
- (ij) Standing Order 37,
- (jk) Standing Order 39(1) and (2),
- (l) Standing Order 42,**
- (m) Standing Order 43,**
- (kn) Standing Order 45(3), and,
- (lo) Standing Order 47(2).

32. Deposit of copy of plan, etc., in case of bill affecting fisheries (HC 32)

(1) In the case of a bill by which it is proposed to authorise the making, extending or enlarging—

- (a) of any dam, weir, or obstruction to the passage of fish in any river or estuary, or
- (b) of any sewer discharging into any river or estuary,

a copy of so much of the deposited plan and section as relates to the proposed dam, weir, obstruction or sewer, shall, on or before 20th November, be deposited in accordance with Standing Order 1A.

(2) **A copy of the said portion of the deposited plan and section shall also—**

- (a) be delivered on or before 20th November, or**
- (b) be sent by registered post, having been posted on or before 17th November, to the recipient or recipients specified in Standing Order 1A.**

~~(2) — A copy of the said portion of the deposited plan and section—~~

- ~~(a) — shall also be delivered on or before the same date at, or sent by registered post to, the principal regional office of the Environment Agency for the area containing the river or estuary affected, and~~
- ~~(b) — if so sent, shall be posted on or before 17th November.~~

33. Delivery of copy of plan, etc., affecting banks, etc., of river (HC 33)

(1) In the case of a bill by which it is proposed to authorise the construction of any work to which Standing Order 27 (Deposit of plan, book of reference, section, etc.) applies on the banks, foreshore or bed of any river, a copy of so much of the deposited plan and section as relates to the portion

of the work by which the banks, foreshore or river bed may be affected, **shall—**

- (a) be delivered on or before 20th November, or**
- (b) be sent by registered post, having been posted on or before 17th November,**

to the recipient or recipients specified in Standing Order 1A.

~~be delivered on or before 20th November at, or sent by registered post to, the principal regional office of the Environment Agency for the area containing the river affected, and if so sent shall be posted on or before 17th November.~~

...

42. Delivery of copies of bills affecting watercourses to Environment Agency (HC 42)

A printed copy of every bill by which it is proposed to authorise any persons to impound or abstract water from, or to discharge water into, any watercourse, or to construct works over, or under, or affecting, any such watercourse or the banks thereof **shall—**

- (a) be delivered on or before 4th December, or**
- (b) be sent by registered post, having been posted on or before 1st December,**

to the recipient or recipients specified in Standing Order 1A.

~~(a) shall be delivered on or before 4th December at, or sent by registered post to, the principal regional office of the Environment Agency for the area containing the watercourse affected, and~~

~~(b) if so sent, shall be posted on or before 1st December.~~

43. Delivery of copies of bills affecting rivers or estuaries to Environment Agency (HC 43)

A printed copy of every bill by which it is proposed to authorise the making, extending or enlarging of any dam, weir or obstruction to the passage of fish in any river or estuary, or of any sewer discharging into any river or estuary, or the abstraction of water from any river **shall—**

- (a) be delivered on or before 4th December, or**
- (b) be sent by registered post, having been posted on or before 1st December, to the recipient or recipients specified in Standing Order 1A.**

~~(a) shall be delivered on or before 4th December at, or sent by registered post to, the principal regional office of the Environment Agency for the area containing the river or estuary affected, and~~

~~(b) if so sent, shall be posted on or before 1st December.~~

Amendment to Standing Order 10A

4. This amendment takes account of the fact that the promoter is unable to control whether a notice remains displayed but can only be expected to make reasonable efforts to ensure that the notice is and remains displayed.

10A. Publication of notice relating to works bills

- (1) If the bill—
- (a) authorises the construction of works to which Standing Order 27 (Deposit of plan, book of reference, and section, etc.) applies, or the compulsory acquisition of lands or of rights to use lands, or
- (b) extends the time limited by a former Act for any of those purposes,

the notice shall be displayed for two consecutive weeks ending not later than 11 December at a place of public resort in each of the counties, metropolitan districts, unitary districts or London boroughs or (in Wales) the counties or county boroughs or (in Scotland) the local government areas in which the works are to be, or the lands are, situated.

(2) It shall be sufficient compliance with the requirement in paragraph (1) that notices shall be displayed for two consecutive weeks for the promoters to use reasonable endeavours to secure that the notices are so displayed.

(23) For the purposes of paragraph (1), “place of public resort” includes a public library and a local government office.

Amendment to Standing Order 12

5. This amendment prevents a finding of breach of Standing Orders where there has been non-compliance with an authority’s directions, if those directions cannot reasonably be complied with.

12. Posting of notices in case of tramway etc., bills (HC 12)

(1) In the case of a bill by which it is proposed, in connection with the construction of a tramway or a trolley vehicle system or an underground railway or tramroad, to alter or disturb the surface of any street or road—

(a) not later than 12th November application shall be made in writing to every authority having control of any street or road the surface of which it is proposed to alter or disturb for directions as to the manner in which notice of such proposed alteration or disturbance is to be posted in, or where that is not reasonably practicable, in some conspicuous position as close as is reasonably practicable to, the street or road;

(b) not later than 20th November notice of such proposed alteration or disturbance shall be posted in, or where that is not reasonably practicable, in some conspicuous position as close as is reasonably practicable to, every such street or road in the manner directed by the said authority, or,—

(i) if no directions have been received from the said authority within seven days after the said application, **or**

(ii) if the directions received cannot reasonably be complied with,

in some conspicuous position in the street or road, or where that is not reasonably practicable, in some conspicuous position as close as is reasonably practicable to the street or road;

(c) the said notice shall be kept posted as aforesaid for not less than fourteen consecutive days.

...

Amendments to Standing Orders 31 and 33

6. These amendments abolish a requirement for a plan to be accompanied by an ordnance map where the plan is based on an ordnance map.

31. Deposit of copy of plan etc., in case of bill affecting tidal lands (HC 31)

...

(2) Where it is proposed by the bill to authorise the construction of works to which Standing Order 27 (Deposit of plan, book of reference, section, etc.) applies affecting tidal lands below the said line, the copies so deposited of the plan and section shall, **if the plan is not based on an ordnance map**, be accompanied by an ordnance map with the position and extent or route of the proposed works shown thereon.

33. Delivery of copy of plan, etc., affecting banks, etc., of river (HC 33)

...

(2) If the plan includes any proposed tunnel under, or bridge over, the river, the depth of the tunnel below the bed of the river, or the span and headway of the bridge, shall be marked thereon; and, **if the plan is not based on an ordnance map**, the copy of the plan shall be accompanied by an ordnance map, with the position and extent or route of the proposed works shown thereon.

Amendment to Standing Order 38

7. This amendment makes it clear that paragraph (1) is varied by Standing Order 201 when 27 November falls on a weekend or holiday. A similar reference is used in Standing Order 26.

38. Deposit of printed copies of bills in Parliament Office (HC 38)

(1) A printed copy of every private bill proposed to be introduced into either House of Parliament shall be deposited in the office of the Clerk of the Parliaments on or before 27th November.

...

(5) In the case of any bill to which, in the event of its originating in this House, Standing Order 64 (Consents of members of companies, etc., not being promoters, in case of certain bills originating in this House) will apply,

the title of the bill shall contain a reference to the name of any company, society, association or partnership upon which powers are proposed to be conferred or whose constitution is proposed to be altered by the bill as provided in that order.

(see also Standing Order 201 (Time for delivering notices and making deposits))

Amendment to Standing Order 47

8. This amendment would apply the Standing Order to all areas where residential buildings are proposed to be acquired rather than just those areas where the residential buildings total thirty or over.

47. Deposit of statement as to houses and persons on land to be acquired (HC 47)

- (1) Paragraph (2) applies in the case of a bill by which it is proposed—
- (a) to authorise the acquisition compulsorily or by agreement of any specified land on which houses are standing, or
 - (b) to revive, or to extend the time limited for the exercise of, any power for such acquisition.

(2) The promoters shall, **in relation to any area to which this order applies**, ~~if the total number (so far as can be ascertained) of persons residing in those houses in any area to which this order applies is 30 or more,~~ deposit in the office of the Clerk of the Parliaments and in accordance with Standing Order 1A, on or before 11th December a statement showing—

- (a) the name of that area;
- (b) the total number of those houses in that area; and
- (c) the total number (so far as can be ascertained) of persons residing in them.

...

(4) The areas to which this order applies are districts in England, London boroughs and counties and county boroughs in Wales.

(5) In this order the expression “house” means any house or part of a house occupied as a separate dwelling.

Amendments to Standing Orders 48 and 55

9. These amendments clarify that the Standing Orders do not apply only to viaducts and tunnelling which are to replace an existing structure.

48. Description of plan (HC 48)

- (1) Every deposited plan—
- (a) shall be drawn to a scale of not less than 1/15,000, and shall describe the lands which may be compulsorily acquired or used or which are rendered liable to the imposition of an improvement charge; and

(b) in the case of bills in respect of which a plan and section are required under Standing Order 27 (Deposit of plan, book of reference, section, etc.) to be deposited, shall also describe the line or situation of the whole of the work (no alternative line or work being in any case permitted), and the lands in or through which it is to be constructed or altered, or through which any communication to or from the work may be made.

(2) Where it is the intention of the promoters to apply for powers to make any lateral deviation from the line of the proposed work—

(a) the limits of such deviation shall be defined upon the plan, and all lands included within those limits shall be marked thereon; and

(b) unless the whole of the plan is upon a scale of not less than 1/5,000, there shall be added an enlarged plan upon a scale of not less than 1/5,000 of any building, yard, courtyard, or land within the curtilage of any building, or of any ground cultivated as a garden, either in the line of the proposed work, or included within the limits of deviation.

(3) **Where a viaduct or tunnelling is intended the same shall be marked on the plan, the latter to be shown by a dotted line.** ~~tunnelling as a substitute for open cutting, or a viaduct as a substitute for solid embankment, is intended, the same shall be marked on the plan, and in the case of tunnelling by a dotted line thereon.~~

...

55. Section (HC 55)

(1) The deposited section shall be drawn to the same horizontal scale as the deposited plan, and to a vertical scale of not less than 1/1,250, and shall show the surface of the ground marked on the plan, the intended level of the proposed work, the height of every embankment, and the depth of every cutting, and a datum horizontal line by reference to Ordnance Survey or Chart datum.

(2) The datum line shall be the same throughout the whole length of the work and any branch thereof.

(3) ~~Where tunnelling as a substitute for open cutting, or a viaduct as a substitute for solid embankment, is intended, the same shall be marked on the deposited section.~~

Amendments to Standing Order 50

10. These are technical amendments designed to prevent inaccurate information being presented and removing unnecessary requirements.

50. Particulars in case of railways and tramroads (HC 50)

(4) In the case of a bill by which it is proposed to authorise the construction or alteration of any railway or tramroad, the distances in kilometres from one of the termini shall be marked on the deposited plan; ~~and a memorandum of the radius of every curve except a curve having a radius exceeding 1.6 kilometres in length shall be noted on the plan.~~

~~(2) — In the case of a bill by which it is proposed to authorise the construction or alteration of a railway or tramroad so as to form a junction with an existing or authorised line of railway or tramroad, the course of the existing or authorised line shall be shown on the plan for a distance of 750 metres on each side of the proposed junction, on the same scale as the first-mentioned railway or tramroad.~~

Amendment to Standing Order 51

11. This amendment updates the requirement to demonstrate the deviation or diversion of a footpath or bridleway proposed to be authorised by a bill.

51. Particulars in case of diversion of roads, etc. (HC 51)

(1) In the case of a bill by which it is proposed to authorise the diversion, widening or narrowing of any public carriage road, navigable river, canal, railway or tramroad, the course of the diversion, and the extent of the widening or narrowing, shall be marked upon the deposited plan; ~~and, if it be intended to divert any public footpath or bridleway, the course of such diversion shall be marked upon the plan.~~

(2) In the case of a bill by which it is proposed to authorise the diversion of any public footpath or bridleway, the course of such diversion shall be marked upon the plan, and where it is the intention of the promoters to apply for powers to make any lateral deviation from the course of the proposed diversion of any public footpath or bridleway, the limits of such deviation shall be defined upon the plan.

...

Amendments to Standing Order 57

12. These are technical amendments designed to prevent inaccurate information being presented and removing unnecessary requirements.

57. Section of railway or tramroad (HC 57)

(1) In the deposited section of a railway or tramroad the line marked thereon shall correspond with the upper surface of the rails.

(2) Distances on the datum line shall be marked to correspond with those on the deposited plan; a vertical measure from the datum line to the line of the railway or tramroad shall be marked in metres or parts of a metre, at the commencement and termination of the railway or tramroad, and at each ~~change of the gradient or inclination thereof; and the proportion or rate of inclination between every two consecutive vertical measures~~ **end of a section of railway or tramroad with a constant gradient; and that gradient** shall also be marked.

(3) Wherever a railway or tramroad is intended to cross any waterway, or (otherwise than on the level) any public carriage road, railway or tramroad—

(a) the height of the intended railway or tramroad over, or depth under, the surface thereof, and

(b) the height and span of each arch of any bridge and viaduct by which the railway or tramroad will be carried over the same, shall be marked in figures on the section at every crossing thereof; and, where the railway or

tramroad will be carried across any such public carriage road, railway or tramroad on the level thereof, such crossing shall be so described on the section.

~~(4) In the case of a bill by which it is proposed to authorise the construction or alteration of a railway or tramroad so as to form a junction with an existing or authorised line of railway or tramroad, the gradient of such existing or authorised line shall be shown on the section, for a distance of 750 metres on each side of the point of junction, on the same scale as the first-mentioned railway or tramroad.~~

Amendment to Standing Order 59

13. This amendment prevents duplication of information provided elsewhere.

59. Cross sections of roads, etc. (HC 59)

If any alteration is intended in the water level of any canal, or in the level or rate of inclination of any public carriage road, railway or tramroad which will be crossed by the intended railway or tramroad **and such works are not works for which a section has been drawn in accordance with Standing Order 55—**

(a) the same shall be stated on the deposited section, and each alteration shall be numbered, and cross sections, in reference to the numbers, on a horizontal scale of not less than 1/5,000, and on a vertical scale of not less than 1/500, shall be added, which shall show the present surface of such road, canal, railway or tramroad and the intended surface thereof when altered; and

(b) the greatest of the present and intended rates of inclination of the portion of the road, railway or tramroad intended to be altered shall also be marked in figures on the section; and, where any public carriage road is crossed on the level, a cross section of that road shall be added, and every such cross section shall extend for 180 metres on each side of the centre line of the railway or tramroad.